

Senate Engrossed

State of Arizona  
Senate  
Forty-fifth Legislature  
Second Regular Session  
2002

CHAPTER 110

# SENATE BILL 1351

AN ACT

AMENDING SECTION 49-402, ARIZONA REVISED STATUTES; RELATING TO AIR QUALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-402, Arizona Revised Statutes, is amended to  
3 read:

4 49-402. State and county control

5 A. The department shall have original jurisdiction over such sources,  
6 permits and violations that pertain to:

7 1. Major sources in any county that has not received approval from the  
8 administrator for new source review under the clean air act and prevention  
9 of significant deterioration under the clean air act.

10 2. Smelting of metal ore.

11 3. Petroleum refineries.

12 4. Coal fired electrical generating stations.

13 5. Portland cement plants.

14 6. Air pollution by portable sources.

15 7. Air pollution by mobile sources for the purpose of regulating those  
16 sources as prescribed by article 5 of this chapter and consistent with the  
17 clean air act.

18 8. Sources that are SUBJECT TO TITLE V OF THE CLEAN AIR ACT AND THAT  
19 ARE located in either a county that has not submitted a permit program as  
20 required under title V of the clean air act or in a county for which the  
21 administrator has disapproved that COUNTY'S TITLE V permit program IF THE  
22 DEPARTMENT HAS A TITLE V PROGRAM THAT HAS BEEN APPROVED BY THE ADMINISTRATOR.  
23 ON APPROVAL OF THAT COUNTY'S TITLE V PERMIT PROGRAM BY THE ADMINISTRATOR, THE  
24 COUNTY SHALL RESUME JURISDICTION OVER THOSE SOURCES.

25 B. Except as specified in subsection A of this section, the review,  
26 issuance, administration and enforcement of permits issued pursuant to this  
27 chapter shall be by the county or multi-county air quality control region  
28 pursuant to the provisions of article 3 of this chapter. After the director  
29 has provided prior written notice to the control officer describing the  
30 reason for asserting jurisdiction and has provided an opportunity to confer,  
31 the county or multi-county air quality control region shall relinquish  
32 jurisdiction, control and enforcement over such permits as the director  
33 designates and at such times as he THE DIRECTOR asserts jurisdiction at the  
34 state level. The order of the director which asserts state jurisdiction shall  
35 specify the matters, geographical area, or sources over which the department  
36 shall exercise jurisdiction and control. Such state authority shall then be  
37 the sole and exclusive jurisdiction and control to the extent asserted, and  
38 the provisions of this chapter shall govern, except as provided in this  
39 chapter, until jurisdiction is surrendered by the department to such county  
40 or region.

41 C. Portable sources under jurisdiction of the department under  
42 subsection A, paragraph 6 of this section may be required to file notice with  
43 the director and the control officer who has jurisdiction over the geographic  
44 area that includes the new location before beginning operations at that new  
45 location.

1 D. Notwithstanding any other law, a permit issued to a state regulated  
2 source shall include the emission standard or standard of performance adopted  
3 pursuant to section 49-479, if such standards are more stringent than those  
4 adopted by the director and if such standards are specifically identified as  
5 applicable to the permitted source or a component of the permitted source.  
6 Such standards shall be applied to sources identified in subsection A,  
7 paragraph 2, 3, 4 or 5 of this section only if the standard is formally  
8 proposed for adoption as part of the state implementation plan.

9 E. The regional planning agency for each county which contains a  
10 vehicle emissions control area shall develop plan revisions containing  
11 transportation related air quality control measures designed to attain and  
12 maintain primary and secondary ambient air quality standards as prescribed  
13 by and within the time frames specified in the clean air act. In developing  
14 the plan revisions, the regional planning agency shall consider all of the  
15 following:

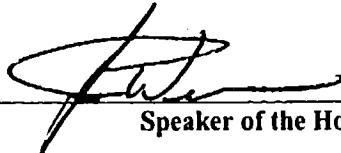
- 16 1. Mandatory employee parking fees.
- 17 2. Park and ride programs.
- 18 3. Removal of on-street parking.
- 19 4. Ride share programs.
- 20 5. Mass transit alternatives.
- 21 6. Expansion of public transportation systems.
- 22 7. Optimizing freeway ramp metering.
- 23 8. Coordinating traffic signal systems.
- 24 9. Reduction of traffic congestion at major intersections.
- 25 10. Site specific transportation control measures.
- 26 11. Reversible lanes.
- 27 12. Fixed lanes for buses and carpools.
- 28 13. Encouragement of pedestrian travel.
- 29 14. Encouragement of bicycle travel.
- 30 15. Development of bicycle travel facilities.
- 31 16. Employer incentives regarding ride share programs.
- 32 17. Modification of work schedules.
- 33 18. Strategies for controlling the generation of air pollution by  
34 nonresidents of nonattainment or maintenance areas.
- 35 19. Use of alternative fuels.
- 36 20. Use of emission control devices on public diesel powered vehicles.
- 37 21. Paving of roads.
- 38 22. Restricting off-road vehicle travel.
- 39 23. Construction site air pollution control.
- 40 24. Other air quality control measures.

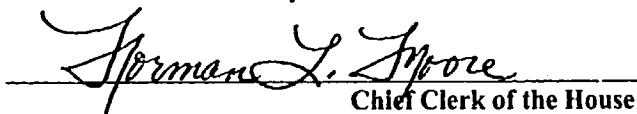
41 F. Each regional planning agency shall consult with the department of  
42 transportation to coordinate the plans developed pursuant to subsection E of  
43 this section with transportation plans developed by the department of  
44 transportation pursuant to any other law.

Passed the House April 23, 20 02,

by the following vote: 53 Ayes,

0 Nays, 7 Not Voting

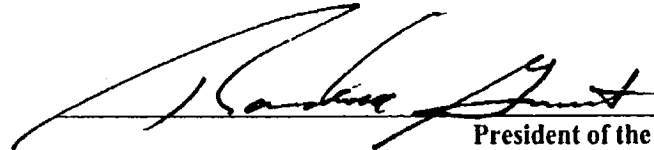
  
Speaker of the House

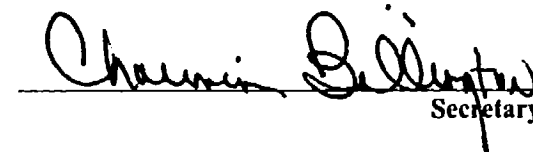
  
Chief Clerk of the House

Passed the Senate March 21, 20 02,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

  
President of the Senate


  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24 day of April, 20 02

at 12:14 o'clock P M.

  
Secretary to the Governor

Approved this 30 day of

April, 20 02,

at 1:20 o'clock P M.

  
Governor of Arizona

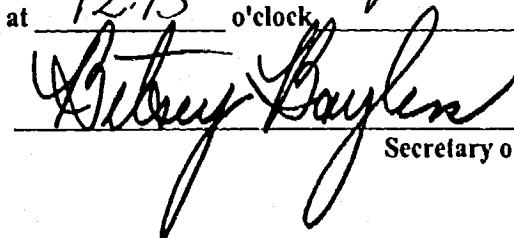
S.B. 1351

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of May, 20 02,

at 12:13 o'clock P M.

  
Secretary of State